IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 15337 of 2007(A)

PETITIONER:

P. BABU, AGED 51 YEARS,
S/O.PADMANABHAN, WORKING AS SELECTION
GRADE LECTURER, GOVERNMENT COLLEGE, ATTINGAL.

BY ADV. SRI.BIJU M.JOHN

RESPONDENTS:

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1. DIRECTOR OF COLLEGIATE EDUCATION,
THIRUVANANTHAPURAM.

2. GOVERNMENT SECRETARY, MINISTRY OF
EDUCATION, SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K BASHEER, J.

W.P. (C) NO.15337 of 2007

Dated this the 8th day of June, 2007

J U D G M E N T

Government Pleader after getting instructions from the 1st respondent submits that petitioner's name has been included in the select list as Sl. No.3. The said list was prepared by the Departmental Promotion Committee in its meeting held on 17.2.2007 and the list has been published on 2nd March, 2007.

2. Learned counsel submits that in view of the above submission made by the learned Government Pleader, no further orders are necessary for the time being other than directing the 2nd respondent to take a decision on Ext.P3 appeal preferred by the petitioner in which he has raised a contention that he ought to have been promoted earlier.

3. In the above facts and circumstances, the writ petition is disposed of with a direction to the 2nd respondent to consider and pass orders on Ext.P3 strictly on its merit and in accordance with law, as expeditiously as possible, at any rate, within three weeks from the date of receipt of a copy of this judgment. Respondent No.2 shall ensure that the petitioner and all others who are likely to be effected by the order that may be passed,

are afforded sufficient opportunity to be heard before any decision is taken in the matter. Pendency of Ext.P3 appeal shall not stand in the way of the petitioner being promoted in terms of the select list referred to above. Such promotion can be made, if he is otherwise eligible, notwithstanding the pendency of the appeal.

The writ petition is disposed with the above direction.

(A.K. BASHEER, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007